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Women and Transitional Justice

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Engendering Peace and Justice After Armed Conflict: A Call for Qualitative Research Among Women's Community Networks

Jennifer Moore
Introduction

Transitional justice refers to a variety of mechanisms established to help post-conflict societies account for the war and build the peace, including war crimes tribunals, truth and reconciliation commissions, and reparations programs. The framework of transitional justice, while responsive to local actors and local realities, was largely constructed by external actors, including foreign states, international organizations, non-governmental agencies, advocates, and academics working in the fields of human rights and rule of law promotion. The gender dilemma for global and local transitional justice practitioners is the increasing awareness that most women in war-affected countries have not been well-served by the considerable analysis, resources, and programming devoted to post-conflict transition. Too often, women are worse off in the period after armed conflict than they were during the war, due to heightened risks of physical violence, deepening social misery, or extreme political marginalization. This paper argues for a rethinking of the logic, rhetoric, and direction of transitional justice so that it better serves the whole society, women and men alike. It offers one approach to this re-envisioning by proposing qualitative research among women engaged in grassroots peacebuilding working within country-specific contexts.

A certain amount of ambition is required to design and build the complex web of institutions and policies devoted to post-conflict reconstruction. However, ambition turns into arrogance when transitional justice mechanisms become ends in themselves, dedicated to the fulfillment of their mandates, regardless of the continuing germination of the seeds of conflict and the compounding of women’s subordination in individual societies. If transitional justice is to move from form to greater substance, global actors need to collaborate with local activists to help transform societies brutalized by civil war into communities whose members enjoy human security and gender equality in greater measure.

3 Sally Merry Engle, Human Rights and Gender Violence: Translating International Law into Local Justice (Chicago, Illinois: University of Chicago Press, 2006). The author identifies the essential role of “translators” who bridge the gap between the global human rights culture and local “traditional” cultures by helping transnationalists to understand non-elite women’s experiences, and by helping non-elite women to appropriate human rights language in order to engage in life-changing legal and social advocacy.
This paper explores the relationship between global and local visions of post-conflict transition by considering the perspectives of non-elite women who dedicate themselves to women’s empowerment and post-conflict reconciliation at the community level in Uganda, Sierra Leone, and Burundi. While examples are drawn from these three African countries, the approach is relevant to peace and justice work around the world. The research starts with one central question: How do women in rural localities describe and understand the transformative work that they do, and do their understandings of justice resonate with the language and culture of the global human rights movement?

This paper contemplates interview-based qualitative research with grassroots women activists in particular African countries to explore the synergies and dissonances between certain local and global conceptions of justice. A similar model of qualitative research might be adapted in other settings. There is an important normative perspective underlying this research model, namely that if there is a disconnect between the theory of transitional justice and the lives of women doing peace and justice work in community settings, then the rhetoric, priorities, and/or mechanisms of post-conflict transition need to change. The qualitative research model proposed in the following pages will help illuminate the perspectives of grassroots women activists as guidance for how this transformation might occur.

**Methodology and context**

The country studies referenced in this paper are drawn from the author’s initial research for a monograph on women’s grassroots peace activism in three African countries. The examples are presented as illustrations of the broader proposal for qualitative research on women-centric transitional justice at the local level. This model entails participant observation and interviews with the leaders, staff, and volunteers of women-led peacebuilding organizations. The project grows out of the author’s established connections with community-based organizations in Uganda, Sierra Leone, and Burundi. The author’s research will unfold over a three-year period from the headquarters of each organization in Kampala, Freetown, and Bujumbura, to the district or provincial capitals, and to the chiefdom or village levels. Researchers in other countries and regions of the world would adapt this approach to their chosen geographical and cultural settings.

The proposed research model utilizes focus groups, snowball sampling, and individual interviews to engage with local women peace activists. At the initial stages, the leaders and senior staff of each organization will take part in focus groups to assist in the process of refining the research questions so that their meaning is clear in the local vernacular. For example, “employment opportunities”
might become “livelihood support” and “transitional justice” might become “peacebuilding.” Second, the research will utilize snowball sampling, which describes the organic way in which preliminary research participants help in the identification of additional interviewees in a multi-tiered process, from metropolitan to more rural locales. Finally, most of the individual interviews at the grassroots level will be conducted with local women who have chosen to become active in peace and justice work in their own communities. Translators, fluent in English and the local languages, will serve as members of the research teams. The author’s in-country research teams will include translators fluent in English and Acholi (Uganda); English, Krio, Mende, and Temne (Sierra Leone); and English, French, and Kirundi (Burundi). Other researchers adapting this model would engage translators with the appropriate language facility for their chosen research setting.

Preliminary research questions are presented at the end of the paper, which the author will further refine as her field research unfolds. The basic script will be adapted for each country. In Uganda, specific questions may address justice issues facing women returning from displaced persons camps; in Sierra Leone, women’s involvement in Ebola prevention and treatment; and in Burundi, the barriers to women’s inheritance of land. Researchers utilizing this model would need to do something similar in their own country contexts. The questions in their current form are articulated at a fairly general level to apply to diverse research settings. Overall, the questions are designed to explore the ways in which women working at the village level in post-conflict societies think and speak about transitional justice and gender equality, as well as identify the ways they put these concepts to work in their daily lives. Ultimately, their perspectives will provide critical insights into the effectiveness of institutionalized transitional justice mechanisms. This better appreciation of the working vocabulary and practical objectives of grassroots women activists will help guide the support of global actors for localized programs of transitional justice to better ensure that external assistance is responsive to these women’s concrete experiences of oppression, and resonates with their striving toward greater empowerment.4

This paper undertakes a modest initial step by tracing the application of the proposed community-based qualitative research model in the three aforementioned African countries. After generally characterizing post-conflict transition in each country to date, it identifies at least one particular women-centered civil society organization in each country whose members engage in peacebuilding activities, and suggests further lines of research that might be pursued with members of each

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4 Engle, Human Rights and Gender Violence.
organization through participant observation and interviews at the community level.

**Conceptual framework**

Most definitions of transitional justice contemplate the establishment of formal institutions to prosecute war criminals, reconcile victims and offenders, and distribute reparations to members of communities injured by civil war atrocities.\(^5\) Rather than choosing *between* retribution, reconciliation, and restoration, post-conflict justice requires the integration of criminal justice, historical justice, and social justice.\(^6\) But transitional justice is not one-size-fits-all, and integration unfolds differently in individual societies.\(^7\) There is much to be gained from testing and reformulating the three-stranded views of transitional justice through qualitative research among grassroots women peacebuilders in Uganda, Sierra Leone, and Burundi.

**Why Uganda, Sierra Leone, and Burundi?**

Uganda, Sierra Leone, and Burundi possess two fundamental similarities regarding their conflict and post-conflict experiences: all three countries recently experienced more than a decade of armed conflict characterized by widespread attacks on civilians, and they share a rhetorical and operational commitment to transitional justice, particularly in the long-term. Resting on those commonalities are certain geographic, colonial, and linguistic differences. First, Uganda and Burundi are in Central Africa, whereas Sierra Leone is in West Africa. Second, Sierra Leone and Uganda are former British Protectorates, whereas Burundi was first a German and then a Belgian colony. Finally, Sierra Leone and Uganda are members of the British Commonwealth, whereas Burundi is part of the French Francophonie. Each

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\(^7\) George Wachira, Prisca Kamungi, and Kalie Sillah, *Stretching the Truth: The Uncertain Promise of TRCs in Africa’s Transitional Justice* (Nairobi, Kenya: Nairobi Peace Initiative [NPI-Africa] and the West African Network for Peacebuilding [WANEP], 2014), 10-12. See the authors’ concern that the “copy-cat” application of truth commission models from one country to another without adaptation to realities on the ground has resulted in lost opportunities for truth and reconciliation in various African countries.
society’s particular blend of ethno-cultural, linguistic, and political traits contributes to a dynamic comparative framework from which to draw important insights about durable peacebuilding and transitional justice in conflict-emergent countries throughout the world.

A few additional historical facts will further illustrate the rich comparative analysis of transitional justice that these three countries inspire. Uganda, with its British colonial heritage and Commonwealth legal culture, experienced more than twenty years of civil war characterized by the brutal militancy of the Lord’s Resistance Army (LRA) in northern Uganda, accompanied by the government’s campaign of anti-LRA counter-insurgency and forced displacement of Ugandan civilians. Sierra Leone, with its British and freed slave-settler colonial heritage and unifying Krio national language, endured a civil conflict marked by both competitive and collaborative brutality on the part of three major militant groups: the Revolutionary United Front, the Armed Forces Revolutionary Council, and the Civil Defense Forces. Despite intense factionalism between warring factions, neither Uganda’s civil conflict nor Sierra Leone’s rebel war emanated from a predominant ethnic or religious fault-line.

By contrast, Burundi has a German-Belgian colonial history, and the legacy of an apartheid-like racialized caste hierarchy between the Tutsi and Hutu ethnic communities. Burundi has not fully emerged from a conflict characterized by a decade of rolling genocides. Increasing governmental repression of popular opposition to third-term President Nkurunziza bodes ill for the consolidation of the peace process. Of the three countries, Burundi’s civil war is most readily described in ethnic terms. Nevertheless, this easy characterization belies the reality that Hutu and Tutsi speak the same Kirundi language, affiliate with the Catholic faith in equal proportion, and often define themselves as members of two communities with one common culture. For these reasons, there is much to be gained by continuing to compare and contrast post-conflict transition in Uganda, Sierra Leone, and Burundi. The following three sections provide more detail on the post-conflict experiences in each of the three countries, ending with a focus on one women-led, community-based peacebuilding organization in each country.

**Uganda**

Since the Juba Peace Accords, the post-conflict approach of the Government of Uganda has been to focus on the retributive or criminal-accountability strand of transitional justice, demonstrated by Uganda’s “self-referral” to the International Criminal Court (ICC) on account of the situation in northern Uganda. The ICC’s northern Uganda case has led to the issuance of arrest warrants against five LRA
leaders, one of whom was taken into custody in 2015, but no indictments against members of the Ugandan People’s Defense Forces have been issued. The Ugandan Parliament also passed a statute in 2010 domesticating the Rome Statute of the ICC and creating the International Crimes Division (ICD), a specialized chamber of the Ugandan High Court. As of 2015, the ICD is still in the process of trying former LRA commander Thomas Kwoyelo, the first defendant charged under Uganda’s Geneva Conventions Act.

Ugandan civil society organizations such as the Beyond Juba Project have criticized the nature of war crimes prosecutions in Uganda and the fact that, since 2010, the Ugandan ICD has not initiated prosecutions of any state actors for war crimes. This state of affairs calls into question Uganda’s predominantly retributive approach to transitional justice, and prompted civil society demands for alternative approaches in the restorative and social realms. For example, the Refugee Law Project (RLP) of the Makerere University School of Law in Kampala leveled a powerful critique of Uganda’s disproportionate reliance on criminal justice as a mechanism for post-conflict transformation and its to-date exclusive prosecution of non-state actors. The RLP calls for more even-handed prosecutions of civil war offenders, on the one hand, and for greater attention to reconciliation, on the other, through programs dedicated to the restoration of collective memory, as well as the rebuilding of healthy communities.

Given its rigorous study of Uganda’s national program of transitional justice, RLP is a natural research partner for a women-centered qualitative field study. The organization combines a traditional academic framework with a dynamic community service orientation. The RLP has initiated a Gender and Sexuality Project that focuses on the particular experiences of women and sexual minorities in

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10 Moore, *Humanitarian Law*, 137. The author describes the insights of the Beyond Juba Project, affiliated with the Law School of Makerere University in Kampala.
12 Moore, *Humanitarian Law*, 98, 221-222. See the author’s citation of the former director of the Refugee Law Project.
13 “Working Papers,” *Refugee Law Project*, http://refugeelawproject.org/resources/working-papers.html. Over the past 16 years, RLP has published a series of scholarly working papers on issues related to the civil war, forced migration, and access to justice, with a particular focus on the war-affected communities of northern Uganda.
northern Uganda. RLP will be a potential base for recruiting women in the war-affected Gulu and Kitgum districts of northern Uganda to participate in interviews and other interactions at the local level. Another important resource will be the RLP-affiliated National Memory and Peace Documentation Centre, based in Kitgum district, northern Uganda.

**Sierra Leone**

As foreseen in the Lomé Peace Accord, Sierra Leone’s signature accountability plus truth-telling approach manifested in the twin institutions of the Special Court for Sierra Leone and the Truth and Reconciliation Commission. Nevertheless, civil society organizations have been critical of the modest impacts of these two institutions, and continue the work of transformative justice throughout the country.

The founding of Fambul Tok, a grassroots organization devoted to community healing and reconciliation, reflects the concern of Sierra Leonean civil society that transitional justice should not be merely symbolic and formal, nor should it stop at the national level. Fambul Tok facilitates village-level cleansing ceremonies between individual victims and offenders, while also organizing collective agricultural development projects among community members. The organization exemplifies a deep commitment to a long-term process of social healing and economic revitalization on the part of women and men living in rural communities throughout the country.

The Peace Mothers project is an offshoot of Fambul Tok, formed in part as a response to the concern that women are too often sidelined, if not manipulated, in the typical grassroots reconciliative process. In particular, feminist critics of the village-level ceremonial cleansing model stress that rituals of public reconciliation may pressure women to forgive their offenders without demanding that the perpetrators in turn atone for their abuses or recommit themselves to responsible participation in their communities. The Peace Mothers program is an attempt to

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19 Ní Aoláin et al., *On the Frontlines*, 184. Ní Aoláin et al. make a related point: “Public silences are a persistent feature of women’s testimonial presentations in truth-telling contexts. Those silences should not be read as nonstatements about the experiences of women.”
create space for women-centered conversations about the meaning of peace, non-violence, reconciliation, and empowerment.\textsuperscript{20}

Since 2009, 200 Peace Mothers collectives have been established throughout Sierra Leone.\textsuperscript{21} A major focus of activity for these groups has been the establishment of women’s community development projects, from collective farming and construction, to education and micro-finance activities.\textsuperscript{22} During the 2014-2015 Ebola emergency in Sierra Leone, high rates of infection led to breakdowns of trust within and among civil society organizations. In this climate of fear, Peace Mothers groups in various parts of the country resolved to focus their energies on very practical activities, such as soap making and public health education, thereby rebuilding channels of communication and collective enterprise.\textsuperscript{23}

Peace Mothers is a compelling research partner because it has international links, a parent organization based in Freetown, and a focus on rural communities.\textsuperscript{24} The organization also operates at both district and village levels throughout Sierra Leone. This network provides essential qualitative research opportunities to interact with women peacebuilders and to learn about their perspectives on the meaning of transitional justice in their communities.\textsuperscript{25}

\section*{Burundi}

While the Arusha Peace Accords referenced the creation of both a truth commission and a criminal tribunal, in the first decade of its post-conflict period, Burundi

\begin{itemize}
\item \textsuperscript{20} The Peace Mothers, directed by Libby Hoffman (New York, New York: Mind Hive Films, 2014), https://vimeo.com/93511555. Interestingly, in addition to these gender-specific groups, as of 2013, 63 percent of the leadership of Fambul Tok was composed of women, suggesting that the Peace Mothers have been a force for women’s leadership development in Sierra Leone overall.
\item \textsuperscript{21} Ibid.
\item \textsuperscript{22} Ibid. The philosophy of the Peace Mothers is that collective development is linked to reconciliation. As Lilian Morsay, Peace Mothers District Coordinator, explains, “Reconciliation is not an event. It is a process. It won’t happen spontaneously. It goes on as long, as long, as long as you live.”
\item \textsuperscript{24} “Staff Profiles,” Fambul Tok International, http://www.fambultok.org/about-us/staff-profiles. For more information, see profiles of Fambul Tok Co-Founder and Director John Caulker, a Sierra Leonean with 20 years of human rights and transitional justice experience, as well as the profile of Co-Founder Libby Hoffman, President of the U.S.-based Catalyst for Peace; Hoffman, Peace Mothers. See film for footage of Peace Mothers leader Lilian Morsay speaking about women and grassroots reconciliation in Sierra Leone.
\item \textsuperscript{25} Fionnuala Ní Aoláin, “Advancing a Feminist Analysis of Transitional Justice,” in Feminist Perspectives on Transitional Justice: From International and Criminal to Alternative Forms of Justice, eds. Martha Albertson Fineman and Estelle Zinsstag (Cambridge, United Kingdom: Intersentia, 2013), 51. One question to ask will be the extent to which the very moniker “Peace Mothers” serves to reinforce stereotypes about women’s maternal qualities and relegation to the private sphere, or if, on balance, such nods to tradition increase women’s political agency within their communities. Ní Aoláin and others have described the phenomenon of “strategic essentialism” in which women emphasize their roles as mothers, nurturers, and caregivers in order to incrementally increase their power in communities with entrenched gender inequality.
\end{itemize}
operated without the creation of formal transitional justice institutions at the national level. As exemplified by *le Centre d’Alerte et de Prévention des Conflits* (CENAP), a prominent and broad-based Burundian civil society organization, Burundian transitional justice activists focused instead on ending the violence and reconciling the Hutu and Tutsi ethnic communities. From 2007-2012, CENAP and other Burundian civil society organizations prioritized disarming the citizenry, alleviating staggering levels of poverty and youth unemployment, holding peaceful elections, and memorializing of lives lost among the Hutu and Tutsi ethnic communities, rather than establishing formal transitional justice institutions at the national level.26

CENAP partners with numerous community-based organizations in Burundi, including *l’Association des Femmes Rapatriées du Burundi* (AFRABU). AFRABU was founded to serve repatriated Burundian women who had been refugees in Tanzania and other countries during the war. AFRABU’s initial mission was to help women resettle on their land, rejoin their families, and reintegrate into their local subsistence economies.27 Believing that everyone shares the challenges of economic reintegration, AFRABU began to encourage the formation of cooperatives for women and men in order to stimulate collective micro-enterprise and micro-finance at the community level. AFRABU operates in 10 out of 17 Burundian provinces, and has inaugurated upwards of 350 cooperative organizations.28 AFRABU also encourages lending institutions to develop financial products that serve subsistence farmers and informal merchants, drawing on their own research demonstrating that women tend to be particularly good credit risks.29

AFRABU staff suggest that women-centered transformational justice is vitally linked to informal, collective, social welfare, and entrepreneurial initiatives at the local level. AFRABU’s community-based cooperatives provide an excellent base for participant observation and interviews with women peacebuilders throughout Burundi in order to explore their ways of talking about and implementing transitional justice at the local level.

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27 GM, interview by Jennifer Moore, 2014, author’s field notebook, 30(a) – 32(a). The founders of AFRABU soon realized that internally displaced persons, former combatants, and those who had never fled faced similar challenges to those confronting the returning refugees. GM and her colleagues concluded that all these categories were created by the war, and therefore should not be used in the transition to peace. (Author’s note: AFRABU Co-Founder GM is identified by initials only in light of current political unrest in Burundi.)
28 Author’s field notebook, 31(b).
29 Ibid.
Recent developments in Burundi (2014-2016)

In 2014, CENAP’s emphasis on violence prevention, economic subsistence, and the preservation of historical memory remained strong, with guarded enthusiasm towards the creation of a long-heralded Burundian Truth and Reconciliation Commission (TRC). In September 2014, the Burundian TRC was formally mandated by an act of Parliament, followed by the selection of those parliamentarians who would, in turn, be called upon to select the commissioners.

Despite the importance of the government’s stated commitment to the independence of the TRC, resurgent political violence in Burundi over the past two years has overshadowed the transitional justice process. In early 2015, popular demonstrations against President Nkurunziza’s running for a third term in defiance of constitutional term limits led to repression of the political opposition by the ruling party, and targeted attacks by its armed youth wing. The Hutu President’s opposition includes prominent individuals within the Hutu community, hence, the government’s response at that time was regarded to have a predominant political, rather than ethnic, character. Nevertheless, by the time Nkurunziza was reelected in July 2015, upwards of 150,000 Burundians had fled political unrest, and sought refuge in Tanzania, Rwanda, and the Democratic Republic of the Congo.

By the early months of 2016, nearly 250,000 Burundians were in exile and more than 400 killed as political violence increased, with daily accounts of bodies discovered in the streets of Bujumbura and reports of the discovery of mass graves. Despite UN Security Council condemnation of widespread arbitrary killings and other human rights abuses, efforts to dispatch African Union peacekeepers were stymied by the intransigence of the Burundian government. Most alarming is the lingering fear that the violence has taken on an increasingly ethnic character, with official statements that the opposition is Tutsi-dominated, and evidence that most victims of government repression are indeed people of Tutsi ethnicity.

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34 Jones, “Burundi.”
Clearly, peaceful and inclusive politics in Burundi is a dream deferred. Fears of a return to armed conflict are not unfounded. At the same time, CENAP and other civil society organizations continue their work to forge a Burundian national identity that is pan-ethnic and non-violent, to demand accountable leadership, and to empower women and youth. While qualitative research among women-centered peacebuilding organizations in Burundi requires conditions of overall security, AFRABU continues to be an important point of contact. After all, AFRABU was founded by Burundian refugee women returning from exile at the end of the civil war. Their commitment to peacebuilding began during the war, continued after their repatriation, and is ongoing, even as Burundi faces the prospect of renewed conflict. Depending on ongoing developments, the focus of qualitative research with Burundian women may shift to countries of asylum, at least in the short-term. Women living in the new Burundian refugee communities forming in Tanzania and other neighboring countries will have valuable perspectives to share regarding the path to peace in their country.

Questions for ongoing field research

The author will conduct interactive and interview-based qualitative field research among grassroots women activists in all three of the aforementioned countries. Essential to this chosen methodology will be the development of questions to help guide conversations with women about the ways they define and practice transitional justice in their daily peacebuilding activities in each country. Some initial questions are listed below. These questions will be revised and refined as the research unfolds:

(1) How do women characterize their peacebuilding work? Do they speak of transitional justice or human rights? To what extent do they define their work in other terms?

(2) Do women peacebuilders identify criminal justice as one of their top priorities? If so, do they define it in terms of retribution, accountability, or something else? In the criminal justice realm, how do these activists characterize the roles of women – as victims, offenders, survivors, and/or actors? Do they believe that women are able to testify in such a way that they are empowered in their daily lives, or that participating in trials leads to their re-traumatization or stigmatization? How do they believe that trials might be reformed to empower women as members of their communities?

(3) Do women peacebuilders identify reconciliative justice as one of their top priorities? If so, do they define it in terms of forgiveness, relationship restoration, or
something else? Do they believe that women are valued for their capacity to give and receive pardon and compassion? Do they believe that women are pressured to forgive those who wronged them, or that they are able to participate willingly? How do they believe that reconciliation activities might be improved to empower rather than weaken women in their communities?

(4) Do women peacebuilders identify restorative justice as one of their top priorities? If so, do they define it in terms of individual reparations, social service programs, institutional reform, or something else? Do they believe that, through individualized assistance or structural changes, women may become strengthened in their capacities as heads of families, caretakers of children, generators of income, political activists, or other roles in their communities? What kinds of individual and structural reparations do these activists consider most essential in enhancing the socioeconomic security of women and their families?

(5) Do women peacebuilders speak of “justice” or “healing,” or something else as the most important defining principle underlying their peacebuilding activities? What kinds of entities require justice or healing — individuals, relationships, economic systems, political institutions, or something else? What do they consider to be the relationship between justice and healing?

**Conclusion**

Two essential concerns animate the proposed program of qualitative research among women peacebuilders working in communities in Uganda, Sierra Leone, and Burundi. The first is whether and how the situation for women – as survivors of violence and trauma, heads of families, economic actors, and political agents – is improving in a meaningful sense as their countries proceed through the post-conflict period. The second is whether and how women can contribute to alleviating the profound social misery and class divisions that contributed to armed conflict in all three societies. Preliminary discussions with community activists suggest a steep uphill climb for transitional justice and women’s empowerment. It is a tall order to expect qualitative research and engagement with women peacebuilders in the three countries to result in detailed blueprints for social transformation and gender equality. That said, a crucial first step towards achieving these long-term goals is to meet and talk with women participating in the demanding, incremental, and sometimes exhilarating process of social transformation at the grassroots level. The

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35 Moses Chasieh, Burundi Office of American Friends Service Committee, interview by Jennifer Moore, 2014, author’s field notebook, 9(a)-13(a); Louis-Marie Nindorera, Burundi Global Rights, interview by Jennifer Moore, 2014, author’s field notebook, 19(a)-21(a); and GM, Association des Femmes Rapatriées de Burundi, interview by Jennifer Moore, 2014, author’s field notebook, 30(a)-32(a). Both Chasieh and GM spoke of healing, in relationships or networks of collective subsistence.
stories and perspectives of women peacebuilders will shed light on the accomplishments and unfinished business of gender justice in their communities, providing meaningful comparative insight into the kindred struggles of women peacebuilders in conflict-emergent societies throughout the world.